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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 23 3 13 PM '99

November 18, 1999

Xavier K. McDonnell, Esq.
Federal Election Commission
Washington D.C. 20463

RE: MUR 4594; Friends For Fasi; William Rose, Treasurer; Frank Fasi

Dear Mr. McDonnell:

This is response to your letter dated October 13, 1999. I apologize for my late response. This is to inform you that Fasi Respondents have completed their study of the conciliation agreement offered by the Federal Elections Commission in settlement of the above-referenced matter and have concluded that they do not wish to enter into the conciliation agreement.

It is Fasi Respondents' continued belief that the FEC lacks the standing to bring this complaint since it has no jurisdiction in state and local races, that the FEC is barred by the statute of limitations from bringing this complaint for the alleged violations which according to the FEC's own brief accrued in 1984, and, most importantly, that Fasi Respondents have simply done nothing wrong. See RESPONSE OF FRIENDS FOR FASI AND WILLIAM ROSE, AS TREASURER, AND FRANK FASI TO FEDERAL ELECTION COMMISSION GENERAL COUNSEL'S BRIEF DATED APRIL 7, 1999. The oral contract in question was entered into between Frank Fasi, a private citizen, and the management of the leased premises for use as a private storage facility and personal office. The fact that a portion of the leased premises were used for several months every four years for campaign purposes does not create any privity of contract between the campaign committee and the landlord.

This is also to inform you that in the event that an action is filed in federal court by the FEC, Fasi Respondents will file a motion to dismiss based on the jurisdictional and statute of limitations issues which are fatal to this complaint. Fasi Respondents will request their attorneys' fees and costs. Fasi Respondents will also request sanctions against all FEC counsel responsible for bringing the action in bad faith since the FEC is fully aware that the federal courts have repeatedly ruled against the FEC in similar complaints which have attempted to apply the FECA provisions to local and/or state candidates and parties.

Very truly yours,

David F. Fasi
David F. Fasi

Counsel for Frank Fasi, Friends for Fasi and
William Rose

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